

REMARKS

Reconsideration of the present application is respectfully requested. Claims 1, 4, and 10 have been cancelled without prejudice or disclaimer; and claims 2, 3, 5, 7, 9, 12, and 17-23 have been amended. Thus, claims 2, 3, 5-9 and 11-28 are presently pending. Claims 5, 7, 12, 16, 24, and 25 are independent.

In the office action of April 19, 2004, claims 1-4 and 9 are rejected under 35 U.S.C. § 102(b) as being anticipated by the Norquist '040 patent. Claims 10, 11 and 13-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the '040 patent. Additionally, all of the pending claims (i.e., claims 1-28) are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 6,684,529.

This Amendment is accompanied by a Terminal Disclaimer filed pursuant to 37 C.F.R. § 1.321(c). The Declaration, executed by the undersigned, complies with the provisions of this section and should consequently remove co-owned U.S. Patent No. 6,684,529 from consideration with respect to obviousness-type double patenting. Thus, Applicant respectfully requests that any such rejection based wholly or partly on the '529 patent be withdrawn.

Furthermore, because only claims 1-4, 9-11, and 13-15 have been rejected over the '040 patent, the remaining claims (i.e, claims 5-8, 12, 16-28) should now be allowable, except for any informal objections. In this regard, claims 5, 7, and 12 have been rewritten in independent format. Claim 6 depends from claim 5, claim 8 depends from claim 7, and claims 11 and 13-15 depend from claim 12. In addition, claims 2, 3, and 5 have been amended to depend from claim 5. These dependent claims should now also be allowable.

Claims 1, 4, and 10 have been cancelled, and the rejection of these claims is now moot.

Finally, claims 17-23 have been amended to clarify their dependency.


In view of the foregoing, the present application should now be in condition for allowance and such allowance is respectfully requested. Should the Examiner have any questions, please contact the undersigned at (800) 445-3460.

A two-month Petition for Extension of Time accompanies this Amendment, along with authorization to charge \$210.00 to the undersigned's Deposit Account No. 19-0522 for the petition fee set forth in 37 C.F.R. § 1.17. The Commissioner is further authorized to charge \$43.00 to the undersigned's Deposit Account for the 1 (one) additional independent claim. Yet further, the Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to said Deposit Account.

Respectfully submitted,

HOVEY WILLIAMS LLP

By:



Andrew G. Colombo, Reg. No. 40,565
2405 Grand Boulevard, Suite 400
Kansas City, Missouri 64108
(816) 474-9050

ATTORNEYS FOR APPLICANT

(Docket No. 31155-CNT1)